



CITY OF SOMERVILLE, MASSACHUSETTS
CLERK OF COMMITTEES

January 17, 2019
REPORT OF THE LEGISLATIVE MATTERS COMMITTEE

Attendee Name	Title	Status	Arrived
Mark Niedergang	Chair	Present	
Lance L. Davis	Vice Chair	Present	
Matthew McLaughlin	Ward One Alderman	Present	
Jesse Clingan	Ward Four Alderman	Present	
Katjana Ballantyne	Ward Seven Alderman	Present	

Others present: Tom Galligani - OSPCD, Daniela Carrillo - OSPCD, Lauren Drago - OSPCD, Sue Thomas - OSPCD, Frank Wright - Law, Annie Connor - Legislative Liaison, Peter Forcellese - Legislative Clerk.

The meeting took place in the Committee Room and was called to order at 6:00 PM by Chairman Niedergang and adjourned at 7:48 PM.

Approval of the December 6, 2018 Minutes

RESULT:	ACCEPTED
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206612: City Solicitor responding to #206046 re: an ordinance for the registration and maintenance of vacant commercial and industrial buildings.

See 206387, 206046

Ms. Drago informed the committee that data regarding commercial vacancies in the city was collected over the last year (August - October 2018). A total of 647 ground floor commercial retail spaces were analyzed, however, Ms. Drago stated that the list is not exhaustive. The ideal vacancy rate is 5%, and Somerville's vacancy rate came in at 4.5%, (29 vacancies). Each of those vacancies has fairly unique characteristics and some are in recent construction. Ms. Drago explained that having some vacancies city-wide is acceptable, however, each vacancy can have a negative effect on a neighborhood. Fortunately, no evidence of clustering of vacancies has been noted in the city. OSPCD's staff has had discussions with their counterparts in the Town of Arlington regarding the success realized by their (Arlington's) vacancy ordinance. Ms. Drago outlined the pros and cons of Arlington's approach and said that there may be a source of revenue involved, as Arlington's fee for registering a vacant property is \$400.

Alderman McLaughlin said that the problem in Somerville involves prominent vacancies, e.g., the Winter Hill Star Market and Patsy's Bakery, noting that property owners don't necessarily have the same fondness for those businesses as residents do. Waiting to select the perfect tenant has caused the Star Market site to be vacant for 10 years and he wants to move forward with an actual, formalized policy as he believes that the pros outweigh the cons. He would like developers to start building under the permits they already have, rather than continuing to keep the sites vacant. Mr. Galligani pointed out that with reference to the Star Market site, the property owner sued the city over his right to rent to specific tenants. The city can't force owners to lease their properties, but it can restrict who properties are rented to through zoning. Mr. Galligani noted that Arlington structured their ordinance for themselves, adding that they do not have a lot of commercial property.

Mr. Wright told the committee that the city can go after owners of neglected properties, but the proposed ordinance deals primarily with maintaining vacant properties. Chairman Niedergang feels that putting forth an ordinance will get the attention of property owners and he inquired if the fee charged by the city could be proportional to the size of a property. He also stated that he is not in favor of allowing advertising on properties. Mr. Galligani reported that he spoke with Greg Jenkins, who also sees challenges in finding the right artists as tenants. Alderman McLaughlin suggested that if the artist angle doesn't work, then the fee could be paid. He will meet with Mr. Wright to make the proposed ordinance more specific to Somerville and develop a revised version for the Committee to consider.

RESULT:	KEPT IN COMMITTEE
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206387: That the Chief Assessor provide this Board with the number of retail vacancies citywide.

See 206612, 206046

RESULT:	WORK COMPLETED
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206046: That the City Solicitor draft a vacant properties ordinance similar to the one in Arlington.

See 206612, 206387

RESULT:	KEPT IN COMMITTEE
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207349: That the enclosed Home Rule Petition pertaining to Institutional Master Plan requirements be forwarded to the MA Legislature for approval.

Alderman Ballantyne gave some background information on the item and its travels through the legislature. Representative Barber advised that the Home Rule Petition be re-filed without any changes. Alderman Ballantyne asked that the item be approved by the BOA and sent to the state legislature for possible action by them in late March of this year.

RESULT:	APPROVED
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205487: That the Director of Sustainability and Environment update this Board on the city's textile recycling program in mid-September, 2018, identifying the concerns raised by

the Committee on Legislative Matters at its meeting on April, 5, 2018.

Alderman Davis commented that, despite the reporting date mentioned in the item, his intent was for the Administration to appear when information was available. Ms. Connor reported that the program is going well in terms of the tonnage collected, however, while there are still concerns about the bags used for collection, those bags are the only option available. As the vendor predicted when presenting the program, donations at second hand stores/thrift shops have increased or stayed the same and local drop off box donations have increased. Alderman Davis requested that informal updates be provided as the program progresses. Chairman Niedergang commented, that since this was a zero cost contract, the city's living wage ordinance does not apply, and he doesn't like the city doing business with companies who might not be treating their employees well.

RESULT:

WORK COMPLETED

206654: City Solicitor submitting an amendment to Ordinance 8-69 re: defining holidays with respect to junk collection.

Mr. Wright explained that this item arose due to the names of some holidays being changed, e.g., Washington's Birthday is now Presidents' Day and the fact that the state doesn't name holidays. This proposed revision removes all names of holidays. Alderman Davis made a motion **amend the language by striking the words "legal holiday" and adding "MA Legal Holiday as published by the Sec of the Commonwealth."** Mr.. Wright noted that Bunker Hill Day may be covered by Alderman Davis' amendment and after some discussion, **the motion was approved, as submitted.**

RESULT:

APPROVED AS AMENDED

206308: That the City Solicitor draft a food truck ordinance amendment to permit food trucks with minimal disruption to current businesses.

Ms. Thomas told the committee that staff is working with ISD and the Law Department to create an equitable process and will suggest amendments to the ordinance and application process. Efforts have been made to set up meetings with both brick & mortar establishments and food truck businesses.

Boston uses a lottery system for food trucks, however, now that the industry has grown, they are experiencing some problems with that system. Alderman McLaughlin stated that his intention was to allow food trucks where possible while protecting brick & mortar businesses, adding that the idea of food trucks is that they go where the business is (but where brick & mortar businesses aren't) and he doesn't want to overly restrict them to certain locations. Mr. Galligani said that food truck operators want to be where there is a large workforce and Somerville doesn't fit that need, however he suggested that the Inner Belt area might be a good location for food trucks.

Staff will present something to the committee after fine tuning the proposal.

RESULT:

KEPT IN COMMITTEE

206768: That this Board's Committee on Legislative Matters consider amending Ordinance 12-48, relating to the hours of operation of skate parks.

Chairman Niedergang explained that there was some community discourse regarding skateboarding at Lincoln Park and that a community meeting was held for the parties to try to come up with a solution. Alderman Davis objected to this situation being considered a neighborhood issue since the city paid for the park and it's available for all to use. He also said that he would be against restricting its use. Alderman McLaughlin stated that being next to church is not a valid reason to restrict the park's use.

Chairman Niedergang's motion *that the Board of Aldermen amend the city's Code of Ordinances by deleting item B from Sec 12-48, Closing time of parks and playgrounds, that calls for Lincoln Park to be closed on Sundays between 8:00 am and 12:00 noon* was unanimously **approved**. (Alderman Ballantyne was not present for the vote.)

RESULT:	WORK COMPLETED
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206833: Anika Van Eaton submitting comments re: #206768, to consider amending skate park hours.

RESULT:	WORK COMPLETED
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206834: Kevin Malone submitting comments re: #206768, to consider amending skate park hours.

RESULT:	WORK COMPLETED
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205918: That the Administration submit a Home Rule Petition similar to Boston's "Jim Brooks Act," but with less rigid language, to encourage passage by the State.

Alderman McLaughlin requested that this item remain in committee until Ellen Shachter, from OSPCD's Housing division, is available to attend.

RESULT:	KEPT IN COMMITTEE
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203464: City Solicitor submitting a proposed Order designating the position of Retirement Board Member as a Special Municipal Employee position.

Ms. Connor told the committee that Finance Director Ed Bean informed her that this item is no longer needed.

RESULT:	PLACED ON FILE
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207178: That this Board take steps to reduce the terms of the Planning and Zoning Board members from 5 to 3 years.

Ms. Connor said that the Administration is interested to hear the members' concerns and discuss the issue. Alderman McLaughlin said that, while some might say that having a long term might insulate the members of those board from making decisions due to political influence, he thinks a 5-year term is too long for such important boards.

Ms. Connor said that she wasn't sure, but it may be that one board could be changed via ordinance but the other would require a Home Rule Petition. She also pointed out that turnover on the Planning Board could affect that Board's deliberations on larger, long-term projects; a new member might not be up to speed on them having missed previous meetings. Alderman McLaughlin questioned whether a Home Rule Petition is needed since the state gives the city the option of setting terms of 3 or 5 years. He asked Ms. Connor to research exactly what is needed for the BOA to make the changes to the Planning Board and ZBA.

RESULT:	KEPT IN COMMITTEE
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206895: Michael Dundas submitting comments re: #206284, an Ordinance regarding adult use marijuana establishments and the Sira Accelerator Program.

RESULT:	WORK COMPLETED
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206894: Sieh Samura submitting comments re: #206284, an Ordinance regarding adult use marijuana establishments.

RESULT:	WORK COMPLETED
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206581: Increasing the membership of the Redevelopment Authority from 5 to 7, with one new member an Alderman appointed by the President, and the other new member appointed by the Mayor, subject to confirmation by this Board.

RESULT:	WORK COMPLETED
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202909: Director of SPCD conveying the Kennedy School's "Future of the SRA" report, in response to #202621.

RESULT:	WORK COMPLETED
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202256: That this Board be given the powers of the Redevelopment Authority for Union Square redevelopment.

RESULT:	WORK COMPLETED
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204026: City Solicitor responding to #203868 re: an ordinance to limit the "holdover" period of officers and boards specified in Ordinance 2-24(c).

Alderman Davis stated that some individuals are still serving despite not being confirmed for re-appointment by the BOA. Chairman Niedergang assured the committee that the Administration is not submitting hold-overs for re-appointment and that replacements will be submitted for confirmation.

RESULT:	WORK COMPLETED
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203868: That the City Solicitor provide an opinion to this Board no later than August 1,

2017 on the legality of #203789, a proposed amendment to Ordinance 2-24 regarding the terms of city officers.

RESULT:	WORK COMPLETED
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203789: Proposing an amendment to Ordinance 2-24 regarding the terms of city officers.

RESULT:	WORK COMPLETED
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200793: That the Clerk of Committees request that the State Delegation provide the Committee on Legislative Matters with updates on House #2885 and House #3906.

RESULT:	WORK COMPLETED
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199934: That the Supervisor of Inspectional Services create a Rental Registration Program to require owners of 6 or more rental units that are not owner-occupied to annually register those units, pay a registration fee, and provide information to facilitate inspections, notices of violations, and resolution of complaints.

RESULT:	WORK COMPLETED
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Handouts:

- Commercial Vacancies (with 206612, 206387, 206046)
- Textile Recycling Data (with 205487)